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12 COMPANY and MARK BROSS

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23 OPERATING ENGINEERS' HEALTH  
24 AND WELFARE TRUST FUND FOR  
25 NORTHERN CALIFORNIA, ET AL.

26 UNITED STATES DISTRICT COURT  
27 NORTHERN DISTRICT OF CALIFORNIA

28 OPERATING ENGINEERS HEALTH  
AND WELFARE TRUST FUND FOR  
NORTHERN CALIFORNIA, et al.,

Plaintiff,

vs.

CHESTER BROSS CONSTRUCTION  
COMPANY, et al.,

Defendants.

Case No. 3:19-cv-08140-RS

**STIPULATION AND  
ORDER FOR FURTHER CONTINUANCE  
OF CASE MANAGEMENT  
CONFERENCE AND RELATED  
DEADLINES (L.R. 6-2)**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Operating Engineers  
Health And Welfare Trust Fund For Northern California et al. ("OEHW") and Defendants

1 Chester Bross Construction Company and Mark Bross ("Chester Bross"), by and through  
2 their counsel, hereby stipulate to continue the Case Management Conference and associated  
3 deadlines as follows:

4 WHEREAS, on December 13, 2019, Plaintiffs filed a complaint titled  
5 *Operating Engineers Health And Welfare Trust Fund For Northern California, et al., v.*  
6 *Chester Bross Construction Company et al.*, (ECF 1), and Chester Bross Construction  
7 Company was served with the summons and complaint on January 7, 2020 (ECF 9);

8 WHEREAS, defendants filed their Answer to the Complaint on June 4, 2020  
9 (ECF 30);

10 WHEREAS, the Parties have been engaged in settlement discussions which  
11 may result in a resolution of this case without further judicial intervention;

12 WHEREAS, an additional 60-90 days will likely lead to a final resolution of  
13 settlement negotiations, which will not be complete before the upcoming Case Management  
14 Conference. The Parties are hopeful that the matter will be resolved and a dismissal will be  
15 filed within the next 60-90 days. If the matter does not resolve, Plaintiffs intend to file a  
16 Motion for Summary Judgment and intend to have the Motion filed and scheduled for hearing  
17 within 90 days should the matter not settle;

18 WHEREAS, there are no issues that need to be addressed by this Court at the  
19 upcoming Case Management Conference since settlement negotiations have not concluded;

20 WHEREAS, the interest of conserving costs as well as the Court's time and  
21 resources is best served by continuing the Case Management Conference;

22 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the  
23 parties through their counsel that the Initial Case Management Conference be continued to  
24 from December 3, 2020 at 10:00 a.m. for 60-90 days or as soon thereafter is convenient for  
25 the Court, and the associated deadlines to file the Rule 26(f) Report and complete initial  
26 disclosures or state objection in Rule 26(f) Report be continued accordingly.

27  
28

IT IS SO STIPULATED.

Dated: November 19, 2020

SALTZMAN & JOHNSON LAW  
CORPORATION

By: /s/ Michele R. Stafford  
Michele R. Stafford

Attorneys for Operating Engineers' Health  
And Welfare Trust Fund, et al.

Dated: November 19, 2020

ROGERS JOSEPH O'DONNELL

By: /s/ Lauren Kramer Sujeeth  
Lauren Kramer Sujeeth

Attorneys for Defendants  
CHESTER BROSS CONSTRUCTION  
COMPANY, et al.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to

March 4, 2021 at 10:00 am, and all previously set deadlines and

dates related to this case are continued accordingly.

All parties shall appear telephonically and must contact Court Conference at (866) 582-6878 at  
least one week prior to the Conference to arrange their participation

Dated: November 20, 2020

By:



HONORABLE RICHARD SEEBORG